



# புதுச்சேரி மாநில அரசிதழ்

## La Gazette de L'État de Poudouchéry The Gazette of Puducherry

அதிகாரம் பெற்ற வெளியீடு

Publiée par Autorité

Published by Authority

விலை : ₹ 11-00

Prix : ₹ 11-00

Price : ₹ 11-00

எண்	புதுச்சேரி	செவ்வாய்க்கிழமை	2020 ஓ	மே மீ	12 ௨
No.	19 Poudouchéry	Mardi	12	Mai	2020 (22 Vaisakha 1942)
No.	Puducherry	Tuesday	12th	May	2020

பொருளடக்கம்

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## GOVERNMENT OF PUDUCHERRY

## LABOUR DEPARTMENT

(G.O. Rt. No. 37/Lab./AIL/T/2020,  
Puducherry, dated 4th March 2020)

## NOTIFICATION

Whereas, an Award in I.D (T) No. 12/2012, dated 30-10-2019 of the Industrial Tribunal-cum-Labour Court, Puducherry, in respect of the Industrial Dispute between the management of M/s. Regency Ceramics Limited, Yanam and the employees of M/s. Regency Ceramics Limited, Yanam, over charter of demands has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-05-1991, it is hereby directed by the Secretary to Government (Labour) that the said Award shall be published in the Official Gazette, Puducherry.

(By order)

**S. MOUTTOULINGAM,**

Under Secretary to Government (Labour).

**BEFORE THE INDUSTRIAL TRIBUNAL -CUM-  
LABOUR COURT AT PUDUCHERRY**

*Present:* Thiru V. PANDIARAJ, B.SC., LL.M.,  
Presiding Officer.

*Wednesday, the 30th day of October 2019.*

**I.D. (L) No. 12/2012**

The Employees,  
M/s. Regency Ceramics Limited,  
D. No. 2-9-047,  
Tota Street,  
Yanam.

. . Petitioner

*Versus*

The Managing Director,  
M/s. Regency Ceramics Limited,  
Yanam.

. . Respondent

This industrial dispute coming on this day before me for final hearing in the presence of Thiru D. Nageshwara Rao, Advocate, for the petitioner and Thiru L. Sathish. Advocate for the respondent, upon hearing both sides and up on perusing the case records this Court passed the following:

## AWARD

1. This Industrial Dispute has been referred by the Government of Puducherry as per the G.O. Rt. No. 100/AIL/Lab./J/2012, dated 07-06-2012 of the Labour Department, Puducherry, for adjudicating the following:-

(i) Whether the dispute raised by the workers of Regency Ceramic Limited, Yanam against the management of M/s. Regency Ceramics Limited, Yanam over charter of demands such as (i) to grant Dearness Allowance; (ii) to implement regular increment at regular period; (iii) to regularize all the workmen employed directly/intermediary such as casual, loading and unloading; (iv) to revise the wages to ₹ 8,500 per month, *etc.*, are justified? If justified, what relief the petitioner workmen are entitled to?

(ii) To compute the relief if any, awarded in terms of money if, it can be so computed?

2. It is to be decided that whether the industrial dispute raised by the workers of Regency Ceramic Limited, Yanam, against the management of M/s. Regency Ceramics Limited, Yanam, over charter of demands such as (i) to grant Dearness Allowance; (ii) to implement regular increment at regular period; (iii) to regularize all the workmen employed directly/intermediary such as casual, loading and unloading; (iv) to revise the wages to ₹ 8,500 per month, *etc.*, are not?

3. *Brief of the petition:*

The petitioners were employed by the respondent company. It was established in the year 1984. It has business transactions with Indian Railways, Sahara, Reliance, ITC and Kamineni Hospitals, *etc.* It has manufactured Ceramic tiles used for floors, walls and the exteriors for office and homes. It has more than 3000 workers. It has branch unit at Karaikal. Out of 3000 workers, 900 employees were permanent. Further, 76 workers were temporary and trainees. Further, casual workers were also engaged by the management. The employees were receiving very meager salaries which is less than wages mentioned in the minimum wages Act. Though, the respondent management earn much profits it has given 8.33% of bonus only. The respondent management never allowed the workers to form Trade Union. Those who tried to form Trade Union, were removed from service by the management in the year 1989 itself. The orders passed by the Hon'ble High Court was not comply by the respondent management in this regard. In the mean while, the employees In the respondent management, during January 2011, joined together to form a Trade Union

in the name of Regency Ceramics Officers and Workers Union and applied to the Registrar to register the same. It was also prevented by the management by tyrannical methods and it has transferred nine Officer Bearers from Yanam to Karaikal Units. The other workers/employees made several requested and made protest against the transfer order, but, it ends in vain. Therefore, the workers approached the Labour Officer, Puducherry and submitted a list of demands consisting of terms and conditions of the workers, and sought to implement the Labour Laws. In this regard, the conciliation meeting was held on 21-01-2011 and 24-01-2011, the Higher Officers of Government, labour side and the respondent side participated in the Conciliation Proceedings. Thereafter, the transfer orders was restricted to 3 Office Bearers alone. In the same meeting the management requested for time to consider, the list of demands, dated 22-01-2011. In the mean while, the Trade Union was formed on 25-01-2011 as per the orders of the Registrar of Trade Union. Thereafter, on 18-04-2011 the trade union has requested the management to permit them to celebrate the May day celebration during May 2011. The management has also declared 01-05-2011 as public holiday and the notice was issued on 21-04-2012 by the management. The May Day celebration was celebrated in a successful manner. Knowing this, the management illegally dismissed the 54 workers, among them, majorities were women workers. The management has violated the provisions under section 25-F of the Industrial Dispute Act. In addition to that the management has arbitrarily removed 50 workers in the month of May 2011. Therefore, the Trade Union has approached the Authorities for Conciliation, at that time the management has approached the Hon'ble High Court and get orders in their favour against the Conciliation Proceedings. Finally, the Writ Petition was ordered against the management during January 2012 by lifting the suspension, against of the Trade Union. Thereafter, Trade Union and its workers filed a Charter of demands before the respondent management, one of the demand was to increase the wages minimum up to ₹ 8,500 per month, the other demand was to implement the Scale of Pay with regular increment on regular period of interval. Further, the petitioner Union demanded for Dearness Allowance which was denied by the respondent management for all these years. The other demand was to regularize all the workers in the factory it was also demanded to stop the appoint under the head of Casual Labours in the factory. It has also demanded

not to appoint the workers on contract basis. The charter of demands was taken into consideration during August 2011 by the Conciliation Authorities. However, the management has not cooperated for conciliation proceedings in an adamant manner. The management has falsely alleged that there was some financial constraint, hence, the conciliation proceedings ends in vain and therefore, the industrial dispute has been raised for the following demands (i) to grant Dearness Allowance; (ii) to implement regular increment at regular period of interval; (iii) to regularize all the workmen employed in the factory either directly or indirectly; (iv) to raise the wages up to ₹ 8,500 per month, *etc.* and hence, the employees prayed to allow this application.

#### *4. Brief of the counter averments:*

The respondent management has established a plant in Yanam during 1983. It was under profit during 2004-2005. Thereafter, it was forced to face the business competitors such as RAK Ceramics, Karuturi Ceramics, Silical Ceramics, Centini Ceramics and Vennar Ceramics. The abovesaid companies had national and international level business market. So, the management was under compulsion to face the competition. During 2004-2005, the company has met a loss of ₹ 118 lakhs. During 2005, it has earned ₹ 5 lakhs as profits. Therefore, it has faced continuous loss and it was up to the tune of ₹ 15.44 crores during 2010-2011. In the mean time, it has established its Unit at Karaikal during 2002 also. The management has to given its attention for its stabilization at that time, the Trade Union has also given much hardship to the respondent management in one way or in other way. Due to the negative attitude of the Trade Union against the management at Yanam there was an unrest happened during the year January 2012, which resulted into violence in the respondent factory and it consumed the life of the President (Operations) by name K.C. Chandrasear on 27-01-2012. Due to the violence, extensive damage were caused to the company properties and machineries which resulted in dead halt. Therefore, the lock out was declared on 31-01-2012. The management has to make very huge investment for replacement of machinery and equipments. The financial support from the Bank and the Financial institutions were also stopped. Therefore, under these circumstances the claims made by the petitioners were unable to be meet out by the respondent management. Hence, considering the scenario at this stage, the refence has to be answered against the workmen.

5. In the course of the enquiry PW1 was examined and Ex.P1 to Ex.P10 were marked. PW1 has deposed in her chief examination in support of her claim statement and the case stand pending for cross of PW1. At this stage, the abovesaid industrial dispute was dismissed for non-prosecution on 13-11-2017. Thereafter, it has been restored as per the order in I.A. No. 49/2018 on 30-10-2019. While the case stands posted for cross of PW1, the Counsel for both parties represented that the entire matter is likely to be settled and on that representation the abovesaid case was adjourned periodically. On 30-10-2019, both parties have jointly filed the Joint Compromise memo along with the copy of settlement under section 12(3) of the Industrial Disputes Act, dated 24-10-2019. On perusal of the abovesaid settlement, this Court has found that both parties have mutually agreed for the terms of settlement and they have signed the terms of settlement with their full consent, in the presence of the Labour Commissioner at Puducherry in the conciliation proceedings.

6. As per the terms of settlement the Trade Union has agreed to withdraw of the four cases *vide* I.D. No. 11/2012, 12/2012, 13/2012 and 14/2012 which is pending before this Tribunal. Both parties have agreed not to raise any dispute with respect to each other. Furthermore, the members of the Trade Union in the list of Annexure-I have agreed to get the plot allotted to them as per MOD, dated 31-05-2019. The terms of settlement shows that the Industrial Dispute raised between the parties have been peacefully and amicably settled and therefore, this Court found that there is no need to proceed further in this regard in this industrial dispute. Hence, the abovesaid settlement under section 12(3), dated 30-10-2019 along with its Annexure-I were received by this Tribunal and as per the tripartite settlement made between the parties before the Labour Commissioner-cum-Chief Conciliation Officer, Puducherry, this reference is closed.

7. In the result, this reference is closed as per the terms of settlement under section 12(3) of the Industrial Disputes Act, dated 31-10-2019. No cost.

Dictated to the Stenographer, transcribed by him, corrected and pronounced by me in the open Court on this 30th day of October, 2019.

**V. PANDIARAJ,**  
Presiding Officer,  
Industrial Tribunal-cum-  
Labour Court, Puducherry.

*List of petitioner's witness:*

PW.1 — 23-08-2017 Chinna Babu

*List of petitioner's exhibits:*

- Ex.P1 — 07-02-2012 Copy of original notification issued by the Under Secretaary (Labour) for failure of Conciliation.
- Ex.P2 — 22-01-2011 Copy of the Demand Notice issued to the DGM (HR) Regency Ceramics, Yanam.
- Ex.P3 — 18-01-2011 Copy of the transfer order of the AVVS Narayana.
- Ex.P4 — 21-01-2011 Copy of the Minutes of the meeting.
- Ex.P5 — 25-01-2011 Copy of the Certificate of Registration along with covering letter by the Registrar of Trade Unions.
- Ex.P6 — Copy of the comments by the management for the demands made by the workers Union.
- Ex.P7 — 09-05-2012 Copy of letter written by the Assistant Inspector of Labour, to the Secretary (Labour), Government of Puducherry.
- Ex.P8 — 21-05-2011 Copy of the letter addressed to the Chairman and MD of Regency Ceramics Ltd., by the General Secretary, Regency Workers Union.
- Ex.P9 — 21-05-2011 Copy of the letter addressed to the Dy. G.M., Regency Ceramics Ltd., Yanam by the General Secretary, Workers Union.
- Ex.P10 — 17-08-2011 Copy of letter addressed to the Chairman and MD of Regency Ceramics Ltd., Yanam by the workers of Regency Ceramics Union, Yanam.

*List of respondent's witnesses: Nil*

*List of respondent's exhibits: Nil*

**V. PANDIARAJ,**  
Presiding Officer,  
Industrial Tribunal-cum-  
Labour Court, Puducherry.

**GOVERNMENT OF PUDUCHERRY  
LABOUR DEPARTMENT**

(G.O. Rt. No. 38/AIL/Lab./T/2020,  
Puducherry, dated 5th March 2020)

**NOTIFICATION**

Whereas, an Award in I.D (T) No. 11/2012, dated 30-10-2019 of the Industrial Tribunal-cum-Labour Court, Puducherry, in respect of the Industrial Dispute between the management of M/s. Regency Ceramics Limited, Yanam and Thiru B. Sivaram Sastry and 53 workers, M/s. Regency Ceramic Limited, Yanam, over non-employment has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with the Notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L., dated 23-05-1991, it is hereby directed by the Secretary to Government (Labour) that the said Award shall be published in the Official Gazette, Puducherry.

(By order)

**S. MOUTTOULINGAM,**  
Under Secretary to Government (Labour).

**BEFORE THE INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT AT PUDUCHERRY**

*Present :* Thiru V. PANDIARAJ, B.SC., LL.M.,  
Presiding Officer.

*Wednesday, the 30th day of October 2019.*

**I.D. (T) No. 11/2012**

Thiru B. Sivaram Sastry and 53 workers,  
M/s. Regency Ceramic Limited,  
D.No. 2-9-047,  
Tota Street, Yanam. . . Petitioner

*Versus*

The Managing Director,  
M/s. Regency Ceramic Limited,  
Yanam. . . Respondent

This industrial dispute coming on this day before me for final hearing in the presence of Thiru D. Nageshwara Rao, Advocate, for the petitioner and Thiru L. Sathish, Advocate for the respondent, up on hearing both sides and up on perusing the case records, this Court passed the following:

**AWARD**

1. This Industrial Dispute has been referred by the Government as per the G.O. Rt. No. 98/AIL/Lab./J/2012, dated 07-06-2012 for adjudicating the following:-

(i) Whether the dispute raised by Thiru B. Sivarama Sastry and other 53 workers (as mentioned in the Annexure), against the management of M/s. Regency Ceramics Limited, Yanam, over their non-employment are justified or not? If justified, what relief the workmen are entitled to?

(ii) To compute the relief if any, awarded in terms of money if, it can be so computed?

2. It is to be decided that whether the industrial dispute raised by the Thiru B. Sivarama Sastry and other 53 workers against the respondent Management, over their non-employment are not?

*3. Brief of the petition:*

The respondent by name M/s. Regency Ceramics Limited, Yanam, is a public limited company having its units at Yanam as well as Karaikal. It was established in the year 1983. It has business activities in the field of Construction. It has manufactured Ceramics tiles, used for floor, walls in Homes and Office. It has engaged huge number of employees under the category of permanent, temporary, casual status, *etc.* The respondent has adopted unfair Labour Practices against its employees. It has tried its best to prevent the formation of Trade Union from the year 1983 itself and those who had tried for it, were removed from service under the iron hands of the management. After a long battle, the Trade Union was formed on 25-01-2011, before that the Trade Union has filed its charter of demands, consisting of permanency of workers. In the mean while, the respondent had transferred the main Office Bearers in the Trade Union and it was also questioned by this Trade Union, but, it ends in vain. Therefore, the matter was referred to Conciliation Officer. The conciliation meeting was held on 21-01-2011, but, it ends in failure and the failure report was sent to the Government. Thereafter, the reference was sent to this Tribunal. In the mean while, the Trade Union has sought of permission to celebrate the May Day on 01-05-2011. In this aspect the representation was made on 18-04-2011. Thereafter, the management has given its consent to celebrate the May Day on 21-04-2012 as it has no other go except to give its permission. After that the respondent has came to know the May Day celebration was successfully celebrated by the Trade Union All the workmen concerned in the respondent



unit participated in the May Day celebrations. Due to that grand success of May Day celebration, the management has involved in vengeance activities and it was strictly opposed by the Trade Union. In this connection, the management has arbitrarily dismissed 54 workers from the factory. Therefore, the Trade Union has made representation before the Conciliation Officer at Puducherry during August 2011. It was also comes to an end during April 2012 with its failure report. The management has arbitrarily dismissed the 54 workmen from the factory, who were the members of the Trade Union. It is an unjustified activity done by the management. It is illegal in the eye of law. Therefore, this petitioner has filed this application for reinstatement with continuity of service, backwages and all other benefits and hence, prayed to allow this application.

4. *Brief of the counter averments:*

The allegations levelled by the petitioner were denied by this respondent. The respondent unit having kiln, which has to be operated on 24X7X365 days basis as a continuous process. During the May Day celebrations, the contract employees had attended the duty. Therefore, they were removed from the service by the contractors, there is no employer employee relationship between this petitioner and the respondent. Since, the petitioners is not an employee under this respondent he cannot seek any remedy before this Tribunal. This petitioner is a contract employee under the registered contractor of this respondent factory. Since, the 54 workmen who were not an employee under this respondent the allegation of arbitrary termination by this respondent is also not correct. This respondent has no role to play in the non-employment of these 54 workmen. Since, the petitioner was employed under the contract, contractors by name, Dasaih Naidu, Sri Ramalu and Sri Kola Baskara Rao were to be added as necessary parties to this case. The claim raised by this petitioner against this respondent cannot stand hold. In the mean while, there was an orgy violence took place on 27-01-2012 in the factory premises and the members of the petitioners Union caused heavy damages to the properties of the respondent management and it had also resulted in death of Chief Executive and one workman Machcha Murali Mohan. The petitioner has suppressed the abovesaid facts and hence, it has to be dismissed.

5. In the course of the enquiry PW1 was examined and Ex.P1 to Ex.P10 was marked. PW1 has deposed in her chief examination in support of their claim statement and the case stand pending for cross of PW1. At this stage, the abovesaid industrial dispute was dismissed

for non-prosecution on 13-11-2017. Thereafter, it has been restored as per the order in IA. No. 48/2018 on 30-10-2019. While the case stands posted for cross of PW1, the Counsel for both parties represented that the entire matter is likely to be settled and on that representation the abovesaid case was adjourned periodically. On 30-10-2019 both parties have jointly filed the Joint Compromise Memo along with the copy of settlement under section 12(3) of the Industrial Disputes Act, dated 24-10-2019. On perusal of the abovesaid settlement, this Court has found that both parties have mutually agreed for the terms of settlement and they have signed the terms of settlement with their full consent, in the presence of the Labour Commissioner at Puducherry in the conciliation proceedings.

6. As per the terms of settlement the Trade Union has agreed to withdraw of the four cases *vide* I.D. Nos. 11/2012, 12/2012, 13/2012 and 14/2012 which is pending before this Tribunal. Both parties have agreed not to raise any dispute with respect to each other. Furthermore, the members of the Trade Union in the list of Annexure-I have agreed to get the plot allotted to them as per MOU, dated 31-05-2019. The terms of settlement shows that the Industrial Dispute raised between the parties have been peacefully and amicably settled and therefore, this Court found that there is no need to proceed further in this regard in this industrial dispute. Hence, the abovesaid settlement under section 12(3), dated 30-10-2019 along with its Annexure-I were received by this Tribunal and as per the tripartite settlement made between the parties before the Labour Commissioner-cum-Chief Conciliation Officer, Puducherry, this reference is closed.

7. In the result, this reference is closed as per the terms of settlement under section 12(3) of the Industrial Disputes Act, dated 31-10-2019. No cost.

Dictated to the Stenographer, transcribed by him, corrected and pronounced by me in the open Court, on this 30th day of October 2019.

**V. PANDIARAJ,**  
Presiding Officer,  
Industrial Tribunal-cum-  
Labour Court, Puducherry.

*List of petitioner's witness:*

PW.1 — 23-08-2017 Thulasi

*List of petitioner's exhibits:*

Ex.P1 — 09-05-2012 Copy of letter written by Assistant Inspector of Labour, Yanam, to the Secretary, Government (Labour) in respect of failure of conciliation.

Ex.P2 — 25-05-2011 Copy of requisition given by workers Union to the MD/Chairman.

Ex.P3 — 31-05-2011 Copy of requisition given by workers Union to the MD/Chairman for non-employment.

Ex.P4 — Copy of requisition of the workers Union addressed to the Assistant Inspector of Labour, Yanam.

Ex.P5 — 25-05-2011 Copy of requisition of the workers Union to MD/Chairman.

Ex.P6 — 25-05-2011 Copy of requisition of the workers Union to MD/Chairman.

Ex.P7 — 25-05-2011 Copy of requisition of the workers Union to MD/Chairman.

Ex.P8 — 25-05-2011 Copy of requisition of the workers Union to MD/Chairman.

Ex.P9 — 07-06-2012 Copy of notification of the Labour Department of Abstract.

Ex.P10 — Annexure

*List of respondent's witnesses: Nil*

*List of respondent's exhibits: Nil*

**V. PANDIARAJ,**  
Presiding Officer,  
Industrial Tribunal-cum-  
Labour Court, Puducherry.

**GOVERNMENT OF PUDUCHERRY**  
**LAW DEPARTMENT**

*(G.O. Ms. No. 8/LD-2020, Puducherry, dated 16th April 2020)*

**NOTIFICATION**

In pursuance of section 6 of the Notaries Act, 1952 (Central Act No. 53 of 1952), the list of Notaries practicing in the Union territory of Puducherry, as on 1st January, 2020, are as mentioned in the Appendix together with their residential and professional addresses, and qualifications are published for information of the general public.

**J. JULIET PUSHPA,**  
Secretary to Government (Law).

**APPENDIX**

**List of Notaries in the Union territory of Puducherry as on 1-1-2020**

Sl. No.	Name of the Notary	Residential and Professional Address	Qualification	Area in which he/she is authorized to practice	Date of expiry of Certificate of Practice
(1)	(2)	(3)	(4)	(5)	(6)
Thiruvallargal:					
1	S.S. Thanasekaran	No. 290, First Floor, Mahatma Gandhi Road, Puducherry-605 001.	M.A., M.L.	Puducherry	06-10-2020
2	A. Kanniappan	No. 40, IV Cross Street, Venkata Nagar, Puducherry-605 011.	B.A., B.L.	Puducherry	06-10-2020
3	A.M. Amirtharaj	No. 38, Labourdonnais Street, Puducherry-605 001.	B.A., B.L.	Puducherry	01-11-2024